IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 23RD JANUARY, 2007 / 3RD MAGHA, 1928

Con.Case(C).No. 1427 of 2006(S)

(Against the Judgment dtd. 3.2.2006 in WP(C) NO.2270 of 2005)

PETITIONERS/PETITIONERS:
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1. K.VIJAYA KUMAR, S/O.G.KUTTAN NAIR, LEKSHMI NIVAS, AGED 49 YEARS, PRINCIPAL, GOVT. HIGHER SECONDARY SCHOOL, PIRAPPANCODE, TRIVANDRUM.

2. SABU VALERIAN, S/O.VALERIAN, AGED 39 YEARS, PRINCIPAL, GOVT. GIRLS HIGHER SECONDARY SCHOOL, NEDUMANGAD, TRIVANDRUM.

BY ADV. SMT.V.P.SEEMANDINI (SR.)

RESPONDENTS/RESPONDENTS:
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1. SRI.K.J.MATHEW, (S/O.NOT KNOWN TO THE PETITIONERS, AGED NOT KNOWN TO THE PETITIONERS) SECRETARY TO GOVERNMENT, GENERAL EDUCATION(T) DEPARTMENT, GOVT. SECRETARIAT, TRIVANDRUM.

2. DR.MURUKAN ASSARI, (S/O.NOT KNOWN TO THE PETITIONERS, AGED NOT KNOWN TO THE PETITIONERS), DIRECTOR OF HIGHER SECONDARY EDUCATION, SANTHI NAGAR, HOUSING BOARD BUILDING COMPLEX, TRIVANDRUM-1.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:

V.K.BALI,C.J. & M. RAMACHANDRAN, J.

Cont.Case (C) No. 1427 of 2006 - S

Dated this the 23rd day of January, 2007

J U D G M E N T

Ramachandran, J.

By a short judgment in a writ petition (WP(C) No.2270 of 2005) filed by the petitioner who had claimed consequential benefits passed by the Government which might have been available in view of the Government Orders regularising the service effective from the date of appointment, it had been directed that needful had to be done within the time prescribed. In fact there was a general direction which would have been beneficial to others as well.

2. Finding that there are no follow orders, this application has been filed alleging that there was necessity to initiate contempt proceedings. The learned Judge had referred the matter to a Bench when it was found that there was ex facie non-compliance. An affidavit has been filed however on 15.01.2007 by the Former Director of Higher Secondary Education pointing out that he had taken all

steps for complying with the direction. The Principal Secretary to Government filed a separate affidavit dated 13.1.2007 wherein he had apologised for his conduct in delaying the matter. It had been indicated that the Accountant General had issued pay slips to the petitioners.

3. We therefore close the petition as no contumacious conduct is seen, but simultaneously, keep in tact whatever rights the petitioner may have to take up the issue in case there is non-compliance of the judgment in text and spirit.

V.K.Bali
Chief Justice

M. Ramachandran
Judge

Mbs/